

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

VIRGINIA TRUE CORPORATION,

Chapter 11
Case No. 19-42769 (NHL)

Debtor.

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ORDER DENYING MOTION TO TRANSFER VENUE

WHEREAS, on May 3, 2019, Virginia True Corporation (the “Debtor”) filed a voluntary chapter 11 petition; and

WHEREAS, on June 20, 2019, Domenick Cipollone and Anthony Cipollone (together, the “Cipollones”) filed a motion to transfer venue to the Eastern District of Virginia (the “Motion”) [ECF No. 26]; and

WHEREAS, on July 3, 2019, Robert C. Smith, PLC filed a response in support of the Motion [ECF No. 49]; and

WHEREAS, on July 3, 2019, the Debtor filed opposition to the Motion (the “Debtor’s Opposition”) [ECF Nos. 52 and 53]; and

WHEREAS, on July 5, 2019, Diatomite Corporation of America filed opposition to the Motion (“Diatomite’s Opposition”; together with the Debtor’s Opposition, the “Opposition”) [ECF No. 54 and 55]; and

WHEREAS, on July 8, 2019, the Cipollones filed a reply to the Opposition [ECF No. 59]; and

WHEREAS, on July 9, 2019, Robert C. Smith, PLC filed a reply to the Opposition [ECF No. 60]; and

WHEREAS, on July 11, 2019, the Court held a hearing on the Motion (the “July 11th Hearing”), at which appeared Rachel Wolf (Counsel to the U.S. Trustee), Alison W. Toepp

(Telephonically - Counsel to the Debtor), Douglas J. Pick (Counsel to the Debtor), Stephen Z. Starr (Counsel to the Cipollones), Rishi Kapoor (Counsel to Diatomite Corporation of America), and Robert Coleman Smith (Telephonically - Counsel to Robert C. Smith); and

WHEREAS, on August 8, 2019, the Court held an adjourned hearing on the Motion (the “August 8th Hearing”), at which appeared Douglas J. Pick (Counsel to the Debtor), Stephen Z. Starr (Counsel to the Cipollones), Nazar Khodorovsky (Counsel to the U.S. Trustee), and Rishi Kapoor (Counsel to Diatomite Corporation of America); and

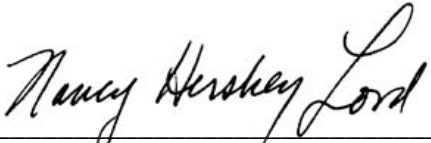
WHEREAS, at the August 8th Hearing, the Court read its decision into the record; and

NOW, THEREFORE, upon the records of the July 11th Hearing and August 8th Hearing, it is hereby

ORDERED, that the Motion is denied.

Dated: August 13, 2019
Brooklyn, New York




Nancy Hershey Lord
United States Bankruptcy Judge